

17-1

CITY CLERK DEPT.
2018 FEB 15 PM 12:56

ORDINANCE NO. 018761

AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC) TO CREATE A NEW CHAPTER 12.58 (PARKING BENEFIT DISTRICTS) TO ESTABLISH A PARKING BENEFIT DISTRICT PROGRAM; AND TO AMEND CHAPTER 12.88 (SCHEDULES) TO CREATE A NEW SECTION 12.88.230 (SCHEDULE XX – PARKING BENEFIT DISTRICTS) TO CREATE NEW PARKING BENEFIT DISTRICTS AND THE BOUNDARIES FOR THOSE DISTRICTS.

WHEREAS, the City Council of the City of El Paso wishes to protect neighborhood parking, manage the imminent demand for curbside parking created by retail and entertainment destinations, promote retail patronage, and limit congestion; and

WHEREAS, charging for on-street parking improves the availability of parking while promoting walking, cycling and transit use; and

WHEREAS, a Parking Benefit District is a designated boundary in which the parking revenues which are collected, are reinvested into the District's public improvement priority(ies) such as investment in walking and biking infrastructure or improvements to the public realm, including street trees, benches and lighting; and

WHEREAS, the establishment of a Parking Benefit District Program enables community groups, such as area residents and/or merchants to request the creation of a Parking Benefit District within their neighborhood to serve as a financing tool to support neighborhood improvements while also addressing traffic congestion and parking constraints;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO TEXAS:

SECTION 1. That Title 12 (Vehicles and Traffic) of the El Paso City Code be amended to add a new Chapter 12.58 (Parking Benefit Districts) as follows:

Section 12.58.010 – Definitions.

For the purposes of this Ordinance, the following terms, and phrases shall have the meaning given herein, unless more specifically defined within a specific Section or Paragraph of this Ordinance. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meanings.

"Business Owner" means a person who holds title to or leases property for the purpose of operating or engaging in a trade, occupation, profession or other lawful commercial activity.

"City Parking Facility" means property that is owned or controlled by the City and that is used, wholly or partially, for off-street motor vehicle parking, including, but not limited to, a parking lot, a surface lot, or a parking garage.

ORDINANCE NO. 018761

“Curbside Parking Space” means an on-street parking space located adjacent to the curb on the Public Right-of-Way, excluding those portions of the Right-of-Way where the parking of any motor vehicle is prohibited. Here, Public Right-of-Way refers to the area on, below, or above a public roadway, highway, street, or utility easement in which the City has an interest.

“District” means Parking Benefit District.

“Improvements” means, but is not limited to, public amenities and beautification that enhance the quality of life and public safety in the Parking Benefit District, such as: increased security, sidewalk and pedestrian walkway improvements, street furniture, street maintenance, street lights, landscaping, parking studies, parking facilities, improvements that promote walking, cycling, and the use of public transportation, wayfinding, and costs associated with the administration of the District.

“Recognized Neighborhood Association” means a neighborhood association or civic association that is registered with the City pursuant to Chapter 2.102 of this Code.

“Record Owner of Real Property” means the owner of real property as shown on the records of the tax appraisal district in the county in which the property is located.

“Parking Benefit District” means an area designated as such pursuant to this Chapter in which a percentage of funds collected from paid Curbside Parking Spaces or parking spaces in a City Parking Facility within the District are used to fund Improvements within the District. Each particular Parking Benefit District is identified in Section 12.88.230 (Schedule XX) of this Code.

“Resident” means the owner or tenant of residential property.

Section 12.58.020 – Purpose of a Parking Benefit District.

A Parking Benefit District is an area designated pursuant to this Chapter in which a percentage of funds collected from paid Curbside Parking Spaces or parking spaces in a City Parking Facility within the District are used to fund Improvements within the District.

Section 12.58.030 – Parking Benefit District Requirements.

- A. A Parking Benefit District shall be created or dissolved by Ordinance.
- B. Any modification to the boundaries of a District shall be by Ordinance.
- C. Up to one-hundred (100) percent of the funds from the paid Curbside Parking Spaces or parking spaces in a City Parking Facility, collectively known as paid parking spaces, within the District shall be set aside to pay for Improvements within the District. The Ordinance creating the District shall specify the percentage of funds from the paid parking spaces to be allocated to Improvements within the District.
- D. Funds from the paid parking spaces may be used in conjunction with other City funds available for Improvements within the District. Authorized Improvements shall be determined by Ordinance by the El Paso City Council.

ORDINANCE NO. 018761

17-1004-834 | 731576_5

Parking Benefit District

KMN

- E. The City Manager or designee, with recommendation from the Parking Benefit District Advisory Committee, shall determine the timing and order in which the Improvements identified in the Ordinance creating the District will be initiated.
- F. The City Council may terminate a District if paid parking spaces do not generate more than the amount needed to pay all annual expenses.

Section 12.58.040 – Application to Create or Modify a District.

An application for the creation of a District may be initiated by:

- A. A representative of a Recognized Neighborhood Association whose boundaries are completely or partially located within the proposed District;
- B. A Business Owner, Resident or property owner whose business, residence or property is located within the proposed District;
- C. A City Council representative or a majority of City Council; or
- D. The City Manager or designee.

Section 12.58.050 – Pre-Application Requirements.

- A. Prior to submittal of an application for the creation of a District or modification to the boundaries of an existing District, a pre-application meeting with the City Manager or designee shall be required.
- B. Following the pre-application meeting with the City Manager or designee, a pre-application community meeting shall be required.
 - 1. The applicant shall convene a community meeting before an application for the creation of District or modification to the boundaries of an existing District is submitted to the City Manager or designee.
 - 2. Prior to the community meeting, the applicant shall coordinate with the City Manager or designee to send notification of the meeting by:
 - a. Electronic or regular mail to all Recognized Neighborhood Associations whose boundaries are located:
 - i. Completely or partially within the proposed District; and
 - ii. Within 1,500 feet of the proposed District; and
 - b. Regular mail to all:
 - i. Record Owners of Real Property located:
 - 1. Completely or partially within the proposed District; and
 - 2. Within 500 feet of the proposed District; and
 - ii. Physical property addresses that are located:
 - 1. Completely or partially within the proposed District; and
 - 2. Within 500 feet of the proposed District.
 - 3. A notice provided under Subsection (B)(2) shall include the community meeting time, date, location, subject matter, and applicant contact information.

ORDINANCE NO. _____

018761

17-1004-834 | 731576_5
Parking Benefit District

KMN

Section 12.58.060 – Application Requirements.

- A. The City Manager or designee shall establish fees and submittal requirements for an application for the creation of a District and for the modification to the boundaries of an existing District. At a minimum, the application shall include:
 - 1. The boundaries of the proposed District or modification to the boundaries of an existing District identified by streets;
 - 2. An explanation of the need for the proposed District or modification to the boundaries of an existing District;
 - 3. A visual representation of the proposed block faces that have paid parking spaces or that are proposed to have paid parking spaces;
 - 4. Identification of other parking management tools that have been requested, if any;
 - 5. Proposed Improvements, in priority order, to be funded by parking space revenue, including an estimated timeline for project completion and expected operations cost of the project;
 - 6. A copy of the sign-in sheets from the pre-application community meeting; and
 - 7. If a vote on the application occurred at the pre-application community meeting, the results of the vote.
- B. The City Manager or designee shall not accept an application unless the application is complete and the application fee has been paid.

Section 12.58.070 – Application Review.

- A. The City Manager or designee shall review each application for the creation of a District or the modification to the boundaries of an existing District submitted under Section 12.58.060.
- B. If the proposed District is located within the boundaries of a parking management district, a redevelopment authority, a tax increment reinvestment zone, or similar entity, the City Manager or designee shall submit the application for comment by the entity.
- C. The City Council shall consider an Ordinance for the creation of the proposed District or modification to the boundaries to an existing District after a complete application is filed and comment by applicable entities as referenced in Subsection (B) has been received.

Section 12.58.080 – Parking Benefit District Advisory Committee.

- A. If an Advisory Committee is created, it shall be created by Ordinance at the time the Parking Benefit District is created or any time thereafter.
- B. For each District, a Parking Benefit District Advisory Committee may be appointed to make recommendations to the City Council on issues relating to the District, including, but not limited to: potential projects to be funded with revenue generated from the District, the timing and order of such projects, modification to the boundaries of the District, and changes to the fees, dates, times and time limits associated with metered parking within the District. The El Paso City Council shall have final approval authority over all recommendations made by the Committee.

ORDINANCE NO. _____

018761

17-1004-834 | 731576_5
Parking Benefit District

KMN

C. If created, the Committee shall adopt administrative procedures applicable to its own governance as are necessary or convenient to accomplish the purposes set out in this Section.

D. Members and chair. The Committee shall consist of no less than five and no more than nine regular members.

1. The members shall consist of business owners, property owners and residents whose business, property, or residence is located within the District or within 1,500 feet of the District; or a representative of a Recognized Neighborhood Association registered pursuant to Chapter 2.102 of the El Paso City Code whose boundaries are completely or partially located within the proposed District or is within 1,500 feet of the proposed District; and are at least 18 years of age.

2. The members shall be appointed by the Mayor and confirmed by the City Council.

3. The Mayor shall designate the Committee chair from among the regular members of the Committee.

4. At the first meeting of the Committee, the regular members shall elect a vice chair who shall perform duties of the chair when the chair is absent or unable to perform such duties.

E. Terms of members and dissolution of Committee.

1. Members shall serve on the Committee for a term of two (2) years;

2. If a member ceases to reside in, is no longer a business owner or property owner as described in Subsection (D)(1), that person shall be disqualified from membership on the Committee and his position shall become vacant effective simultaneously with such change in residency or business or property ownership.

3. A vacancy in the position of a regular member shall be filled for the unexpired term by appointment by the Mayor and confirmation by City Council.

F. Meetings, quorum, and absence from meetings.

1. The Committee shall meet from time to time at the call of the Committee chair, provided that the Committee shall meet not less than once annually.

2. All meetings of the Committee shall be conducted in accordance with the Texas Open Meetings Act.

3. A majority of the members of the Committee shall constitute a quorum for the transaction of business; however, in the event of a vacancy on the Committee, a majority of the remaining members of the Committee shall constitute a quorum for the transaction of business.

4. Three (3) successive unexcused absences from the regularly scheduled meetings, after due notice served by telephone, mail, or electronic mail of the time and place of such meetings, shall automatically terminate membership on the Committee. Absences may be excused only by a majority of the Committee members present and voting at any scheduled meeting.

G. Procedures. The Committee shall adopt administrative procedures applicable to its own governance as are necessary or convenient to accomplish the purposes set out in this Section.

SECTION 2. That Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules) be amended to add Section 12.88.230 (Schedule XX – Parking Benefit Districts) as follows:

12.88.230 – Schedule XX – Parking Benefit Districts.

ORDINANCE NO. 018761

17-1004-834 | 731576_5

Parking Benefit District

KMN

In accordance with Chapter 12.58 of this Code, a Parking Benefit District is an area in which a percentage of funds collected from paid Curbside Parking Spaces or parking spaces in a City Parking Facility within the District are used to fund Improvements within the District. The following are hereby designated Parking Benefit Districts.

SECTION 3. Except as amended herein, Title 12 (Vehicles and Traffic) of the El Paso City Code shall remain in full force and effect.

ADOPTED this 6th day of March, 2017

CITY OF EL PASO


Dee Margo, Mayor

ATTEST:



Laura Prine
City Clerk

APPROVED AS TO FORM:


Karla M. Nietan
Senior Assistant City Attorney

APPROVED AS TO CONTENT:


Monica Lombraña, Managing Director
Aviation and International Bridges Departments

ORDINANCE NO. _____

018761

17-1004-834 | 731576_5
Parking Benefit District
KMN

SCANNED

72c

Doc# 20180018855
#Pages 6 #NFPages 1
3/9/2018 9:32:42 AM
Filed & Recorded in
Official Records of
El Paso County
Delia Briones
County Clerk
Fees \$46.00

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded by document number in the Official Public Records of Real Property in El Paso County.



EL PASO COUNTY, TEXAS

Delia Briones

SCANNED
By: _____
Date: _____

